[Constitution]

It is forbidden to use the church and religion for political purposes. 659

Likewise, political organizations based on religion are also forbidden.

The state may assist religious communities materially.

ARTICLE 17

Marriage and family are protected by the state. The legal conditions of marriage and family are fixed by law. 585

Legal marriages can be performed only by competent representatives of the government. After celebrating a civil marriage a citizen may celebrate a religious marriage according to the rules of his creed.

The courts of the state only are competent to determine all questions concerning marriage. [692]

Parents have the same obligations towards their illegitimate children as to those born in wedlock. Illegitimate children have the same rights as those born in wedlock. [848]

ARTICLE 18

Freedom of speech, freedom of press, freedom of organization, freedom of assembly and of public demonstration. are guaranteed to all citizens. 641

ARTICLE 19

Personal inviolability is guaranteed to all citizens. Nobody can be arrested for more than three days without a court warrant or without the approval of the district attorney. 671 641 [694]

No person shall be punished for a crime without the decision of a competent judge in conformity with the law which defines the crime and the competence of the court.

No punishment shall be determined and inflicted except as prescribed by law.

No person shall be punished without a hearing nor without being summoned to defend himself according to law, except in a case where his absence is legally established

The administrative organs of the state may give jail sentences for common law misdemeanors as prescribed by law.

[Constitution]

671 641 No citizens may be exiled or interned within the state except as prescribed by law.

The People's Republic of Albania protects the rights of its citizens in foreign lands.

ARTICLE 20

694 A home cannot be violated.

No person can enter a house and search it against the wishes of the owner, except when he holds a court order in his hands.

No search can be made except in the presence of two witnesses. The owner of the house also has a right to be present.

ARTICLE 21

205 The secrecy of mail and other correspondence cannot be violated except in cases of criminal investigations, military mobilization, or state of war.

ARTICLE 22

461 In the People's Republic of Albania work is a privilege and a duty.

Every citizen has a right to be paid according to his work and to receive from society as much as he gives to it.

ARTICLE 23

641 All citizens have a right to be employed in government work according to specific regulations laid down by law.

Citizens appointed or elected to public office are bound to perform their duties conscientiously.

ARTICLE 24

[729] 657 It is the duty of the state to adequately support disabled soldiers at public expense and to enable them to resume their work. The state shall support the families of those who died in battle and of all war victims.

ARTICLE 25

The state takes care of the health of the people by organizing and controlling health service, hospitals, and sanatoriums.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

elders required two meals, each disputant had to provide one; if 693
the case was shorter and only one meal was required, the two disputants halved the expense and both sat down at the table with the elders, not always with too good a grace on the loser's part. If dinner-time found the party up on the mountain, far away from either disputant's house, the food had to be sent up to them there. If supper-time found the party still at work or only just finished, they all ate and slept in the house of one disputant. The expenses of feeding the elders and their party had, despite its burden, to be faced by the poorest man when wronged, for without an elder's intervention he would be trampled on by his fellows. The thought of its cost sometimes acted as a deterrent to the litigiously minded.

Litigants themselves chose the elder who was to judge between 694
them, much as Englishmen choose their lawyer. In non-tribal areas litigants were completely free to select whichever elder they trusted most, irrespective of where he lived. In tribal areas they were obliged to choose one from their own village, at least to begin with. It is obvious that such an elder was likely to have some independent knowledge of the case and its rights and wrongs. In Mirditë and Kthellë a litigant who insisted on going outside his own village had to engage the bajraktar or a voivode of his tribe, not a smaller man, and must not go outside his tribe. The higher fee required by the bajraktar and voivode was usually enough to make the man stick to his own village. If a quarrel was not bitter, the two parties often agreed to entrust the case to a single elder and to divide the cost of his fee and meals. They then said to each other, 'Whom shall we have?' and mentioned various names. After debating—usually at some length—the merits of the owners of the names they fixed on one. Each then asked the other ceremoniously, 'Have you confidence in this elder?' 'I have', the other replied. Great importance was attached to this unanimity; it made the elder's decision more binding on both disputants, procuring in fact judgement by consent.

The preliminaries over, the two litigants contacted the elder, generally by going to his house, and told him their trouble. 'Are you willing to leave it to me?' he would ask. On their consenting formally to do so he stated his fee. This depended in Mirditë on the importance of the case and elsewhere on the importance of the elder, the distance he had to travel, and the astuteness of the litigants. In Martanesh a gold Turkish pound was commonly

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

694 paid, for which reason both elders and litigants thought bargaining about it superfluous.

The litigants having formally consented to pay his fee, the elder next asked each of them to bring him a pledge. This served a threefold purpose. Once given, it could not be taken back till the case was settled and the fee paid. The litigants might repent of going to law or of engaging this particular elder, but unless they forfeited their pledges, they could neither stop the case nor change the elder. The pledge was, secondly, the elder's security for payment of his fee. As soon as he had delivered judgement he was entitled to his fee, and until it was paid he was entitled to retain the litigant's pledge. Occasionally in Zerqan an elder trusted a client enough to dispense with a pledge, and some in Martanesh asked only a token one, such as a cigarette, thus paying the integrity of their clients a high compliment. The normal pledge was of greater value than the fee, or share of the fee, payable by each litigant. Since pledges had been instituted in days so distant that money was hardly—if at all—known, a material article such as a gun, a revolver, a watch or a silver tobacco-box was generally handed over. It was for the elder to choose which it should be.

696 626 In Mirditë the article deposited was known as the 'pledge of acceptance or agreement', because its third purpose was to bind the litigants to accept the elder's decision. If one was refractory the elder had the right to retain his pledge. In a certain boundary case Cen Elezi of Dibër, having stipulated for a fee of twelve napoleons from each litigant, asked each to bring his tobacco-box as a pledge. As his son put it, this did not nearly cover his fee but was rather a preliminary 'symbol of acceptance' of his decision. Indiscipline in such matters naturally weakened the social fabric by destroying one of its most unifying factors, the authority of elders. Various steps were taken to reinforce decisions. Selim Peshku of Martanesh charged fees that ranged from five gold Turkish pounds to one, but he never took up a case until the larger sum had been deposited in pledge of submission to his judgement, and in case of recalcitrancy he showed no scruples about pocketing the pledge money. The disparity between his lowest fee and his unvarying pledge shows that he was trying, not so much to safeguard his own fee, as to maintain social discipline. Mirditë sought the same end by enacting that a judgement delivered without pledge being taken was invalid before the law and that a verbal

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

pledge was valueless; something concrete and tangible must be given. 696 626

The pledges deposited, the elder set to work on the case in earnest, questioning any villager who had information, visiting the scene of trouble, interviewing any private informant who volunteered to give evidence, and so arriving at the rights and wrongs of the simpler cases. In more difficult cases he put one of the litigants to the oath, dictating his terms and stipulating the number of 'good men and true' who were to be persuaded by the litigant to take it with him. This rarely failed to show which litigant was in the wrong, and the elder came forthwith to his decision with confidence. 695

When the litigants were friendly, they might agree to engage two elders. In that case they selected them one after the other by the same method of mutual consent as they would have selected one. They also agreed to divide the cost in elders' fees and meals. That done, they laid the case before the elders, one after the other, and bargained with each about his fee and the number of meals he was to be given. These rewards were not necessarily the same for both elders. Sometimes they visited the elders together; more often each visited one only. In the usual way each was required to deposit a pledge with the elders. 694

When the litigants were not friendly, and this was the most common contingency, each found an elder for himself, without consulting the other or considering his views on the man. Each brought his own elder whatever pledge he desired; this meant that one litigant might have to deposit a gun and the other a tobacco-box. Each also bore the sole responsibility for his elder's fee and meals and made for himself the best bargain about them that he could.

A pair of elders worked on these same lines; singly perhaps during the period of investigation, certainly meeting at its conclusion to argue out the pros and cons of the case. If each represented a separate litigant, each tended to favour his own client, so introducing a new principle. The elder was no longer only a judge as he was when he was engaged by the two litigants; he was also the advocate of his own litigant, trying to do the best for him by arguing against the advocate of the other litigant. The loser was more likely to contest the decision under such circumstances. 695

When the two elders had hammered out an agreement they sent for the two disputants, said they had come to an agreement, and

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

693 napoleons. In cases other than those of division of property he received only two napoleons. He took over the two pledges from the original elders, and as these were redeemed from him at a price by the two disputants, the first pair lost their time and trouble and received nothing. If a disputant in Martanesh was disgruntled he could call in a regional elder, but he had to pay, not only the fee of the elder whose judgement he questioned, but also that of the regional elder. One of Selim Peshku's devices for making a recalcitrant litigant keep the peace was to bid him bring another elder and he, Selim, would pay the fee as well as return the litigant's pledge. The man, knowing no elder would reverse a decision by Selim Peshku and somewhat stunned by the latter's generous offers, invariably submitted.

[694] Another check on frivolous lawsuits was the arrangement under which the litigants were not allowed to tell their stories to the second pair of elders. These were briefed by the first pair, apart from the litigants, who were also required to stay with their comrades among the general public while the new elders argued out the case. There was, in theory at least, no possibility of the new elders being 'got at'. In Mirditë, the head and fount of the law, rules were more stringent. The disputants were not allowed to choose the second pair of elders; this was done by the first pair. They had also to hand over to the second pair the pledges they had taken from the disputants. If the second pair found the first pair's judgements sound, the disputants had to pay a fee to both the first and the second pairs. If, however, they found the first pair's judgement unsound, they, by this time the holders of the pledges of the litigants, were paid their fees by the first pair, who in addition got no fee at all for their previous trouble. A third pair of elders might be chosen in Mirditë but no more. After that it was a matter for the expensive chieftains or the Gjomarkaj family to settle. In Kurbin, too, it was the rule that when elders failed to come to an agreement, it was they and not the litigants who chose the second pair. In disputes about water, land, boundaries and the like up to sixteen elders might be chosen, two by two. If any pair came to an agreement, their predecessors and the litigants had to accept their decision. Each of the successful pair received a napoleon as his fee; the unsuccessful elders received nothing. When the sixteen possibilities within the tribe had been exhausted without result, elders were called in from an outside tribe, naturally

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

each seeking their support. Had four refused at this stage to take the oath Asllan would at once have been publicly convicted—if less than four, two substitutes would have had to be produced for every one that refused; two for one, four for two, and six for three, and there would have been no extension of the time limit. In this case, however, all the compurgators agreed to swear to Asllan's innocence, and he himself, towards the end of the week, swore on the Koran that he had nothing to do with the theft. Later the compurgators, led by Qazim's nominees, took the oath of Asllan's innocence before the whole village. Actually, Qazim cut short the proceedings after six or seven had sworn, as by then the compurgators most likely to know the truth had sworn to the suspect's innocence.

Having celebrated his acquittal with a banquet to the compurgators, Asllan two days later yoked the stolen ox, hidden during the case in a lonely sheepfold, to his plough. Now, although the mistake—either designed or accidental—of the compurgators was obvious, there was no legal machinery for annulling the verdict. In the opinion of the village, however, Asllan received his punishment when shortly afterwards his son was born lame.[1]

Qazim in Labinot put his case into the hands of the headman of his village. In the tribal north he would have entrusted it to the elder of his brotherhood, ward or village or perhaps to the bajraktar of his tribe.

Tribal officials, being hereditary, had more authority to act for their community than had the temporary headman in non-tribal districts such as Labinot. In Milot, the most northerly village of Kurbin, the victim tackled the suspect himself, asking him first if he had committed the outrage and then if he would take oath that he had not. In view of the fieriness of Albanian tempers this information is surprising—one would expect shooting to put an abrupt end to such an interview—but it is confirmed by information from the neighbouring village of Laç. When one of its inhabitants denied having received a loan, the lender asked him directly to swear in the presence of two or three witnesses that he had never been lent the money.

Only men of military age and capacity had standing enough to

[1] A very similar system of compurgators exists among the Naga tribes of Assam. There, however, though in some tribes there is no means of modifying the verdict if an oath prove to be false, in others a compurgator who discovers that his principal is lying can 'withdraw his life', otherwise in danger from the false oath, and so reopen the case *ab initio*. (Ed.)

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

oath', but in theft cases he was often called the 'thief', and this from the outset of the case until he was cleared. Father Gjeçov also calls the oath-taker in criminal cases 'the accused', but this seems a literary term chosen by himself rather than a popular usage in Mirditë. In theft cases, the accuser was most often described by a periphrasis—being called in Godolesh the 'plaintiff', in Mirditë 'the owner of the lost property', in Martanesh 'the owner of the stolen property', 'the injured party' or 'the man robbed', in Fulqet 'the injured party', and in Zerqan 'the owner of the property'.

In murder cases, save for Father Gjeçov's occasional 'loader', the accuser was always called 'the man with the feud', the 'avenger' (lit. 'the owner of the blood'), and in disputes about property 'the plaintiff'.

When an oath has been sworn by a suspect or a claimant to property, the innocence of the one or the claim of the other had generally to be established by the oath of a predetermined number of compurgators.

It was legally impossible for a suspect to clear himself by his unsupported oath. In the words of a proverb 'A wolf licks his own flesh and eats a stranger's'. An oath-taker might not flinch from perjury in order to establish his own innocence or his claim to a property, but as compurgator he was likely to be more scrupulous. So the law said there could be no complete oath without a jury. But as usual it made exceptions. When a suspect or claimant was ordered to swear one of the very solemn oaths in which perjury involved the extinction of his whole family, his personal stake was so great that a jury was dispensed with. The best example comes from Martanesh, where a jury was necessary in oaths sworn on the Koran or bread, but not in family oaths sworn at Balim Sulltan's grave.

It was both the right and the duty of the members of the jury to gather all available evidence about the case and to make up their minds about its rights and wrongs before they came finally to court to record their verdict. An interval was therefore left between the nominations of jurors and the final oath-taking, in order to give them time to investigate the case. As a last step in their collection of evidence they then gathered to hear the oath-taker take the prescribed oath. They brought in their verdict by exercising their right to decide whether or not to take the oath. To

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

CHAPTER XVII

THE OATH

II. THE OATH-TAKING

When the elders first sat on the case in small or large Assembly either they or the accuser issued full directions for taking the oath, prescribing the time, the place, the sacred formula, the sacred object and the terms in which it had to be taken. 194

In the case from Labinot the Assembly—or rather the presiding elders—decreed that the suspect should take the oath about a week later. The case being one of simple theft, they considered this interval long enough for the suspect to find the compurgators and for these to make the necessary inquiries. In Mirditë, the Malësi e Madhe and Dibër too, the elders fixed the date for taking the oath at their first Assembly; it was near or remote according to the clarity or obscurity of the case. A month was the average allowance in the Malësi e Madhe, but in graver cases a year might be allowed. In Zerqan the day was not fixed until after the suspect had found his compurgators. This done, he informed the accuser that whenever the latter chose, he was ready to take the oath. The accuser then appointed the day without consulting the elders.

After fixing the date, the elders warned the suspect that if the oath was not taken by that date, he would lose his case. At the same time they informed the accuser that he must have patience for the appointed term. If the oath was not taken when stated, he would gain his case by default. Sometimes, however, the final oath-taking was postponed. In Labinot and Zerqan postponements were not favoured; it was considered that legal business should not be allowed to drag on; obviously the longer the period of uncertainty the greater the danger of gun-work. In Mirditë, however, if the case was so complicated that the compurgators could not complete their investigations or make up their minds, they had the right to postpone taking the oath for as much as six months or even longer; it was only the named compurgators who sought to exercise this right. In the Malësi e Madhe the right of postponement lay with the accuser, not the compurgators. Any compurgator who was still dubious about the case could ask the accuser to extend the

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

694 time limit. The request was always granted. But a second could not be made by the same compurgator. If the final day slipped by unnoticed, as sometimes happened when it was distant, an extension was generally arranged by mutual agreement.

In Catholic areas the incidence of Lent might delay matters, as Catholics did not take oaths during holy seasons.

In most districts it was the elders who said where the oath was to be taken, but in Kurbin and Lumë it was the accuser. A spiteful accuser of north Lumë, for instance, could send a suspect, with all his compurgators, to take the oath in south Dibër, a four days' journey there and back, with all expenses falling on the suspect. It was probably to prevent such displays of malice that the choice of place generally rested with the elders.

695 778 There was often a close connexion between the place at which, and the sacred object on which, the oath had to be taken. The chief sacred objects on which Catholics were called to swear were the Gospel, the crucifix and the local church or its altar. Among Moslems, there were the Koran, the local mosque and a saint's grave. The Gospel in the one case and the Koran in the other was usually chosen. Dibër, a purely Sunni Moslem district, and somewhat fanatical, claimed to take the oath only on the Koran.

North Albanians went to church to swear on the Gospel or crucifix, but to their scandal the Catholics of Kurbin, Mirditë and Lurë had these sacred emblems carried to the suspect's house. Indeed, in Kurbin and Lurë an oath was never taken on the Gospel except outside the precincts of the church; the same was presumably true in Mirditë. No reason for the taboo is known; perhaps the combined sanctity of Gospel and church was thought to involve too much risk. When swearing on an altar, the oath-takers had naturally to enter the church, but when swearing on the church itself they remained outside, touching only a stone in the south door, possibly the threshold, perhaps a door-jamb. Sometimes they repeated the prescribed oath in the neighbourhood of the church. Oaths were most commonly taken on the church in cases of petty theft; graver cases demanded an oath on the Gospel or crucifix.

Moslem procedure was in general so similar to Catholic that it seems to have been inherited from the days when all the area under study was Catholic. To swear on a mosque, as the Moslems of Çermenikë sometimes did, it was enough to touch its door-jamb or threshold, precisely in the Catholic manner. To swear on the Koran,

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

serious oath, entailing the extinction of the whole family if the oath-taker perjured himself. This was symbolized clearly in the Malësi e Madhe ceremony. The master's perjury, if any, and its penalties would, it was believed, run through his body and the infant's like an electric current and destroy both. The wording of the oath seems to have been suitably strong as well as comprehensive. The only available example comes from the Malësi e Madhe, and runs, 'By this holy oath of the Lord, if I did it, may He reward me. As for the male of yours who has been killed, neither I nor my kinsmen, male or female, have killed him with our hands or our guns or with a guest's or agent's hands or gun.'

The family oath was reserved for men who were expected to deny a serious crime of which there was strong evidence that they were guilty. In the Malësi e Madhe, and apparently in Martanesh also, this was murder. So in these areas a family oath was tantamount to one with twenty-four compurgators. In Mirditë and Kurbin it was chiefly used in theft cases. If a sheep or goat in Kurbin was stolen, the thief had to return two sheep or goats to the owner, and pay a fine besides; if, however, he denied the theft, he must swear with his whole family that he was innocent. By contrast, a man who denied stealing an ox, a horse or a mule, was only ordered to take the oath with six compurgators. The theft of these animals was less serious than stealing a sheep or goat; for they only represented wealth, whereas the sheep and goats provided food for their owner.

In Mirditë the accuser had the right to ask a family oath of any man whom he strongly suspected, and could also say that he must take it with a jury. In that event he had to specify the various families in the village who were to compose the jury. For the Malësi e Madhe there is no evidence, but in Martanesh a jury was seldom required in family oaths. Group oaths were used in cases where the suspect, told to take the oath with twenty-four compurgators, failed to find so many ready to swear to his innocence and volunteered to take the oath with all the males of his family in Balim Sulltan's mausoleum. If he did so, nothing more was required of him.

In Mirditë, as Father Gjeçov informs us, a truculent accuser might also ask the oath by the head of the suspect's son; in that case the accused could not refuse to take it, unfair and dangerous to the child though it was. If there were more than one boy in the

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

family, the oath had to be taken on all their heads. On the appointed day, the accuser went to the suspect's house, where the suspect gathered all the males in his family and drew their heads together. After laying his hands on their heads to establish the contact which would involve them in his perjury, if any, he took the oath, saying, 'By the heads of my sons, I have not done you the wrong of which you have accused me, and I do not know who has done it'. The gravity of this oath made it particularly useful in ending embittered disputes before they came to bloodshed, for only a man very sure of his position or one utterly unscrupulous would swear it.

Social oaths were designed to check lawlessness and breaches of the peace within the tribe and were the commonest types. In Document II, Mnelë and Gomsiqe swear[1] to stick together whatever may betide for mutual defence against external danger. Sometimes the tribe, or at least the brotherhood in the Malësi e Madhe, swore that they would not enter a certain house. Though this oath was never taken except to make the law-breaker obey a tribal judgement, it was not considered a good oath, and breaking it soon after it was sworn was advocated. Sometimes, too, a village would assemble and take oath not to send their animals to the summer grazing grounds before a fixed date or to cut wood in each other's forests. In Lurë irrigation rights still depended on oaths taken by the various claimants several generations ago and still binding on their descendants. This example shows how the perpetuity of oaths prevented renewals of litigation; a right once settled, remained settled.

When about to pronounce a decision or just after pronouncing it, elders frequently took oath that they had judged or would judge righteously. In all the tribal area they inevitably carried a stone on their shoulder to signify that they must carry it throughout eternity if their oath was false. In Shalë their formula was, 'With body and soul, with good luck and good fortune, so far as I can tell I have decided this matter without guile, without bribery and without prejudice'.

[1] See Appendix, Document II, p. 262.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

into a house or sheepfold, though in some districts the householder or shepherd had to warn the thief three times before shooting in order to avoid a blood feud. The local law said, 'A thief's blood is lost'. In Mirditë, however, there was a saying that 'A blood feud is not stopped by felony', and there it was forbidden to kill a housebreaker at sight. This prohibition had been introduced to prevent men killing their enemies and placing their dead bodies in the farmyard to give the impression that they had been caught in the act of theft.

A man who robbed a child or a woman, stole a loaded packhorse, or another man's gun, could be shot even when not caught in the act, though a blood feud might follow such action.

In Turkish times, the authorities had to be informed of the death of anyone in the act of theft, but they did not punish the man who had killed him. They required only that he should keep watch and ward over the body till some official arrived and send word to the relatives to make arrangements for burial. After the funeral, the relatives and the killer resumed ordinary relations. Strong men, of course, sometimes overrode the ordinary rules and decencies. Thus Deli Beg, the overlord of Preze, an old market centre, was so determined to stop all raids on his flocks that he not only killed all thieves, but shamed them when dead. He tied their bodies on horses, with the heads propped up with a muleteer's forked stick, and drove them through the village streets. He never troubled to inform the authorities of the deaths.

There were elaborate rules for the detection of the thief who succeeded in escaping with his booty. In Lumë the village authorities had the right to search one house after another for the stolen property. Everywhere the victim might try and find it for himself. He would follow the tracks of a stolen animal, generally in the direction of the home of someone known to have a grudge against him. When the tracks ended at a house or its immediate surroundings, the master was regarded as convicted of the theft. 'Track on the ground, animal found', and the owner had the right to take it away immediately if it was still alive. The thief might refuse to produce it and the owner could then ask leave to search the premises. If such permission was not given, the owner had to turn to the elders to enlist their help, as he also had to do if it were found that the animal was dead.

When the beast's tracks stopped between two houses, the

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

685 694 formula then applied was 'The beast or an oath'. Each house had to make oath separately that it did not harbour the stolen property. The same routine was followed when the tracks stopped between two villages, the villages as a whole having to take oath.

The tracks of an animal might be destroyed by the thief, or the property stolen might not be an animal at all. In such cases, the owner had to rely on information supplied by third parties, and this was seldom lacking in small communities where there were few secrets. If the whereabouts of the stolen property was discovered, the suspected thief might admit the crime, and if so, the owner and he might settle about repayment themselves, or leave it to the elders to do so. If the suspect denied the theft, the owner 685 695 informed the village headman of his loss and of the identity of the suspected thief, and the latter called an Assembly to which he summoned owner and suspect. A suspect who did not appear was declared guilty and ordered to pay for the stolen goods. If the suspect came, the owner was given the choice between ordeal by oath and trial on the evidence of an eye-witness, and, the proceedings then took the ordinary form.

The convicted thief had first of all to make restitution in accordance with the 'twofold' or 'two-for-one' rule, which exacted twice the value of the stolen goods in kind or money. In Mirditë, when animals were given in restitution, their selection was left to the thief, and, to quote from Father Gjeçov, 'it sufficed if they could walk on their feet'. In Martanesh a committee of two or three was appointed by the thief to make the choice, and this committee had to be accepted by the owner. In addition to restitution, a penalty might be imposed, either in the form of a fine or by ordering an extra number of compurgators if the oath was to be taken. The amount of the fine was largely fixed by tradition though the elders might vary it according to extenuating or aggravating circumstances.

There were various generally recognized kinds of aggravating circumstances. For instance, if a thief lost, spoiled, or ate what he had taken, the penalties were often heavy. In Martanesh and adjoining districts a loser could put any value he liked on a stolen [683] article that had been destroyed. In Zerqan, it was regarded as a disgrace to the owner of a stolen sheep if it was eaten by the thief on the mountain. Punishment then was not only for the theft, but for the injury to the honour of the victim.

10: Hasluck F-5 (1926-1939)1954 EG1 Albania EG1
[Solemn Pledge for Flock + Shepherd in Nikaj + Shalë, St. Prendo's Day, 1894]

If any man meddles with one by force he has meddled with a person under a pledge of safety. [681]

If any man dishonours a woman or ravishes her he has meddled with a person under a pledge of safety.

The Gjklika family is not under a pledge of safety.

Ndue Lika's family is under a pledge of safety for its flock and shepherd.

9. Whoever touches sheep belonging to Nikaj or Shalë must pay 500 grosh or give a Martini rifle, the value of which is 500 grosh. He must also return two animals for every one stolen and pay 500 grosh to the owner of the stolen animals.

10. A detective is to receive 100 grosh for tracking down a sheep and twenty for tracking down a cow or an ox.

11. If a Nikaj or a Shalë man goes to a house to kill someone, he has leave to do whatever the fingers of his hand or the muzzle of his rifle can do. But chisels, wood and any form of iron are not to be used.

Whoever breaks this law, unless he is killed and buried, must pay 20 purses and until he pays them he must look out for his life. If he is killed, the matter must be left at a head for a head.

12. Whoever plays false to this pledge treating it with contempt or ignoring it must give an oath with 24 persons who must say they know nothing, as arranged by the other tribes. If he cannot give such an oath he must pay 20 purses like a man who kills another. [695]

13. A borrower who owes money to someone must go to the head of his ward. If he does not give this head satisfaction, he must go to the Bajraktar. If he does not give the Bajraktar satisfaction he is without protection. He may be robbed and killed until he enters the way of the Bajraktar.

14. The roads from Shalë and Nikaj to Shosh and Mertur are guaranteed by Shalë and Nikaj and if they are cut, 20 purses must be paid. [691]

15. The chapels (*koniqet*) of Nikaj and Shalë in which no candle is lit to St John, St Nicolas and St Bastian (Sebastian), are under a pledge of safety. [718]

16. Complaints in Shkodër and Gjakovë are annulled. [694]

VIII. Pledge for Flocks and Shepherds in Nikaj and Curraj, St John's Day, 1895.

(From Father Gjeçov, *Kanùn*, p. 120.)

1. Any man who kills a shepherd will have his house burned down and his land kept untilled for three years.

2. His neighbours will not have their houses burned down but must pay five purses, 1000 grosh of it for the master of the feud and three purses for the guarantors.